

etition or continuance of the wrongful act or breach of contract complained of, or the committal or injury of a like kind arising out of the same contract, or relating to the same property or right; and judgment may be given that such writ may be granted or denied by the court upon such terms as to the duration of the writ, keeping an account, giving security, or otherwise, as to such court may seem reasonable and just.

1888, ch. 456.

127. A judgment for the issue, or refusing the issue of any of the writs referred to in any of the ten foregoing sections, shall be subject to the same right of appeal as other final judgments, but the operation of the writs, when issued, shall only be stayed on appeal when the court issuing the same shall, in its discretion, pass an order directing such stay; which order shall be conditioned upon the appellant giving bond, with penalty therein fixed, to answer for all costs and damages caused by such stay if such appeal be not prosecuted with effect.

Ibid.

128. Nothing contained in the foregoing sections shall be taken as in any manner modifying or impairing the jurisdiction of the courts of common law, as now established, in regard to the issue of the writ of *mandamus*, or of the court of chancery in matters of injunction.

III.

PROCESS.

P. G. L., (1860,) art. 75, sec. 84. 1796, ch. 43, sec. 9. 1801, ch. 74, sec. 11.
1852, ch. 76, sec. 1. 1884, ch. 128.

129. In all civil suits or actions in the circuit courts where *capias ad respondendum* formerly issued, a writ of summons shall be issued for the defendant, in which shall be stated the purpose for which he is summoned; and the said summons shall be returnable on the first day of the term next after issuing the same; and the sheriff of any county from which the writ of summons for any defendant or defendants may be issued by the circuit court for any such county, or the sheriff of the city of